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Summary record of the 1627th meeting
Held at the Palais Wilson, Geneva, on Tuesday, 1 May 2018, at 10 a.m.

Chair: Mr. Modvig

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention (*continued*)

Third periodic report of Qatar (CAT/C/QAT/3 and CAT/C/QAT/QPR/3)

1. *At the invitation of the Chair, the delegation of Qatar took places at the Committee table.*

2. **Mr. Al-Hamadi** (Qatar) said that Qatar appreciated the Committee's work in supporting States parties in their efforts to uphold their commitments under the Convention. The third periodic report of Qatar had been the result of coordination and cooperation between a wide range of stakeholders in the country, including the National Human Rights Institution, the Prosecutor General and a number of government ministries.

3. Acts of torture were prohibited in the Constitution and the Criminal Code, and the Government was committed to protecting all individuals from cruel, inhuman or degrading treatment. Specific bodies were empowered to receive complaints against officials and initiate investigations of them. Pursuant to article 3 of the Convention, the authorities did not return individuals to other countries if there was a possibility that they would be at risk of torture.

4. As part of a series of measures designed to safeguard human rights, the Government had introduced the Qatar National Vision 2030 strategy and the national development strategies for 2011–2016 and 2017–2022. Reflecting the importance Qatar placed on international human rights instruments, on 14 March 2018 the Council of Ministers had agreed to accede to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. In a bid to provide enhanced protection and access to legal remedies for foreign workers who were present in the country legally, the Government had instituted core legal reforms, including Act No. 21 of 2015 regulating the entry and departure of foreign nationals and Act No. 15 of 2017 on domestic workers, the text of which drew on the International Labour Organization Domestic Workers Convention, 2011 (No. 189). In 2017, the Council of Ministers had endorsed the establishment of a national committee to draw up the National Human Rights Plan. Pursuant to the Council's resolution No. 15 of 2017, a national committee had been set up to combat human trafficking. Qatar was committed to becoming an effective development donor and had allocated 14 billion Qatari riyals to development assistance between 2012 and 2016.

5. Since 5 June 2017, Qatar had faced a unilateral blockade by a number of countries in the region. In that connection, the National Human Rights Committee had recorded 3,970 complaints of human rights violations in connection with such issues as freedom of movement, employment, education, religious freedom and separation of families. It was astonishing that such violations were being committed by countries that were themselves parties to core international human rights instruments. A number of United Nations special rapporteurs had sent official communiqués to countries involved in the blockade, highlighting the violations and asking them to bring the situation to an end. Following its visit in November 2017, a technical mission from the Office of the United Nations High Commissioner for Human Rights had issued a report containing a systematic analysis of the violations resulting from the blockade. The report had found that the blockade constituted unilateral coercive measures as defined by the Human Rights Council Advisory Committee.

6. **Mr. Hani** (Country Rapporteur) said that, while the Committee welcomed the State party's accession to two additional international human rights instruments, it remained concerned about the State party's partial reservations to articles 1 and 16 of the Convention. It was unclear why the State party had entered those reservations given its moral commitment to upholding human rights. Following the State party's withdrawal of its reservations to articles 21 and 22 of the Convention regarding the Committee's complaints procedure, he wished to know whether the authorities had lodged instruments of accession pursuant to the relevant procedures. It would be helpful to learn whether the State party intended to ratify the Optional Protocol to the Convention. He would appreciate an update on the State party's cooperation with the Working Group on Arbitrary Detention.

7. Although the Constitution and a number of other texts criminalized torture, there was no explicit mention of the absolute prohibition on torture in the legislation in force in the State party. Moreover, the Criminal Code allowed for public officials to invoke the orders of a superior officer as justification for acts of torture. He would welcome the delegation's comments on whether the State party had any plans to review its legislation in that regard. It would be useful to learn whether the authorities intended to amend the law to exclude torture from the list of offences that qualified for reduced sentences under certain circumstances. Further information would be welcome on how courts implemented in practice the 30-day time limit for reporting acts of torture. Given that fraud and misuse of public funds were already exempt from the 10-year statute of limitations applicable to most offences, he wished to learn whether the Government intended to extend the list of exemptions to include offences relating to torture.

8. The Committee remained concerned that the legislation relating to offences involving acts of torture could not be applied retroactively to events that had taken place before the relevant provisions had entered into force. Double standards existed for some offences, given that article 1 of the Criminal Code established that Islamic law should be applied when the perpetrator of a hudud offence was a Muslim. With regard to the penalties of flogging, stoning and hand amputation, he wished to hear about the steps the State party would take to replace such corporal punishments with alternatives acceptable under international law, such as fines and custodial sentences. It would be helpful to receive statistics regarding the application of corporal punishments. It was unclear whether hudud offences were tried in civil or religious courts.

9. Noting that, under the Code of Criminal Procedure, other than in cases of *flagrante delicto*, the accused could be questioned only if the lawyer had been invited to attend, assuming one had been appointed. The implication was that the appointment of a lawyer was not obligatory: could the delegation clarify that point? In addition, he would like to know whether the lawyer's presence was sufficient or whether the lawyer was allowed to help defend the accused.

10. He would like to know how the State party guaranteed detained foreigners' right to receive information in a language they understood and their right of access to consular services. He would also appreciate clarification of the maximum period of solitary confinement in penal institutions and of the provisions for supervision of solitary confinement.

11. According to information received from the National Human Rights Committee, the proportion of Qatari nationals in pretrial detention who were subsequently released outweighed the proportion of foreigners detained and subsequently released by a factor of 10. He would appreciate an explanation of the disparity, as well as of the ways in which legal safeguards for detained foreigners were guaranteed. He wondered whether the State party had identified any violations in respect of repeated extensions of the permitted periods of pretrial detention. He would appreciate specific figures and statistics on cases of that kind.

12. Qatari law comprised a range of legal safeguards for accused persons, but there was also provision for numerous exceptions, including permanent derogations. For offences falling under the State Security Agency Act , for example, the time frame for bringing the accused before a prosecutor was within 30 days of arrest, which amounted to a de facto extension of the period stipulated in the Code of Criminal Procedure, while the head of the State Security Agency could prevent a person from leaving the country for up to 30 days, a period which could be extended indefinitely.

13. Such provisions contradicted the safeguards provided for in Qatari law. Exceptions of a similar nature applied with respect to terrorist offences and offences falling under the jurisdiction of the Military Intelligence Agency, and extremely lengthy or even indefinite periods of detention were possible for offences under the Protection of Society Act or by special order of the Head of State under states of emergency.

14. The Committee had recommended the amendment of those provisions in its previous concluding observations. He would like to know what steps had been taken to review the exceptions to legal safeguards that left the door open to ill-treatment and torture.

15. In 2016, the Working Group on Arbitrary Detention had found that Mohammed Rashid Hassan Nasser Al-Ajami, a poet, also known as Ibn al-Dheeb, had been subjected to arbitrary detention and had not received a fair trial. He understood that Mr. Al-Ajami had been released but he would like to know what the State party had done to deal with the underlying reasons for the arbitrary detention, for example by introducing legislative amendments.

16. He requested an update from the delegation on several cases: a Filipino national who had been detained recently and several Qatari nationals, Mr. Mansoor Al Mansoori, Mr. Mohammed Al Musa'ab, Mr. Abdul Rahman Omeir al-Naimi and Mr. Hamad Al Merri.

17. He would appreciate receiving some statistical data on external monitoring of places of detention. Did all places of deprivation of liberty apply all the required legal guarantees? He would like to know what steps were taken to implement the recommendations of the National Human Rights Committee regarding conditions of detention. He asked what provision there was for the local office of the Office of the United Nations High Commissioner on Human Rights (OHCHR) to inspect places of detention.

18. With regard to protection of foreign workers, he said that, according to reliable reports, including from the International Labour Organization (ILO), the new contractual system was not very different from the "*kafāla*" or sponsorship system it had replaced. He would appreciate a description of the differences between the two systems. Moreover, the National Human Rights Committee had reported arrests of migrant workers whose permits had not been renewed by agencies or employers, and who thus found themselves in a temporarily illegal situation. He asked the delegation to provide figures for foreigners detained under such circumstances.

19. Turning to the principle of non-refoulement, he asked whether the State party intended to incorporate article 3 of the Convention into its legislation on extradition. Noting that, under Qatari law, extradition was not permitted for political offences or where the subject was a political refugee at the time when the request for extradition was made, he said that the State party appeared to have violated article 3 and its own legal provisions in the cases of Mr. Mohammed Al Haqqi, a Yemeni national who had been extradited despite being the target of threats, and Mr. Al Otaibi, who had been extradited despite his status of political refugee and the fact that he had been on his way to a third country. All the fears expressed by Mr. Otaibi had been realized after extradition to Saudi Arabia. He would welcome clarification of those two cases. More generally, he would appreciate receiving statistics on the number of extradition requests received and the number of requests turned down on the basis of article 3 of the Convention.

20. He wondered whether the State party intended to ratify the 1951 Convention relating to the Status of Refugees.

21. Certain provisions of Qatari law were conducive to violations of article 3 of the Convention, such as the provision of the Criminal Code stating that the Code did not cover offences committed on board foreign ships or aircraft passing through or present in the territory of the state, unless they represented a threat to public security. In the context of counter-terrorist measures, that opened the door to the use of Qatari airspace for illegal rendition of suspects, as had allegedly occurred, according to certain NGOs, after the 11 September 2001 attacks on the United States.

22. Qatar claimed universal jurisdiction over offences committed outside the country that threatened State security or involved falsification of documents, stamps or currency, as well as certain offences relating to trafficking, piracy and terrorism. It did not, however, exercise universal jurisdiction in respect of the crime of torture. In its opening statement, the delegation had professed a commitment to protect individuals from torture, but such protection was not possible if perpetrators could not be prosecuted. He would therefore like to know what steps the State party was taking to amend its legislation in order to enable it to exercise universal jurisdiction in respect of crimes of torture, in accordance with article 5 of the Convention.

23. Lastly, he asked whether the State party intended to amend its bilateral agreements on extradition or judicial cooperation that were not compatible with the Convention, and

particularly with article 3 of the Convention, and to include the offence of torture in its extradition agreements.

24. **Ms. Belmir** said that, according to the State party's report, the latest version of the regulations on penal and corrective institutions made no mention of disciplinary flogging. Yet minors over the age of 16 could be sentenced to flogging. The situation was far from clear, and she would appreciate clarification, particularly in the context of the State party's somewhat problematic general reservation to article 16 of the Convention, on acts of cruel, inhuman or degrading treatment or punishment not amounting to torture.

25. Regarding the powers of the judiciary, the 2014 report of the Special Rapporteur on the independence of judges and lawyers (A/HRC/29/26/Add.1) had raised concerns regarding limitations to the jurisdiction of the courts. According to article 13 of the Law on the Judicial Authority, courts had no competence over issues related to sovereignty and nationality. A significant number of areas, including the entry, residence and deportation of foreigners, were excluded from the competence of the courts. Additionally, the guarantees provided by the Code of Criminal Procedure against arbitrary arrest and detention did not apply to persons arrested under certain specific Acts, which resulted in the detention of persons for lengthy periods of time without charge and fundamental safeguards. She would like comments in that regard and asked what the rationale had been behind the formulation of those Acts providing for exceptions to the Code of Criminal Procedure. Would the delegation also comment on the exceptional provisions under Act No. 5 of 2003 on the state security agency for unacceptably lengthy periods of pretrial detention that could be renewed by a decision of the Ministry of the Interior, and on the noteworthy rejection in 2011 by the Advisory Council of the Ministry of the Interior's proposal to extend pretrial detention to up to three years?

The meeting was suspended at 11.35 a.m. and resumed at 11.45 a.m.

26. **Ms. Belmir**, turning to article 10, requested details of the methodology used to assess the effectiveness of the educational and training programmes provided for all officials dealing with persons deprived of their liberty, the impact of the training activities on the participants, and the manner in which the training contributed to the implementation of the Convention in the State party.

27. In relation with article 11, while the Code of Criminal Procedure set out fundamental legal safeguards, including thorough and impartial investigations into complaints submitted by detainees, the Acts providing for exceptions to the Code of Criminal Procedure essentially permitted incommunicado detention without those safeguards in law and practice. That decisions regarding detentions were taken by the Ministry of the Interior without the opinion of the court was a matter of concern. Equally concerning was the fact that appeals made under Act No. 3 of 2004 on combating terrorism (one of the Acts setting out exceptions to the Code of Criminal Procedure) were submitted to the same entity that had issued the decision on detention, thereby essentially invalidating the appeals. Under that Act, persons were held on state security premises, outside the scope of monitoring by the public prosecutor. She asked whether reports were true that the National Human Rights Committee had been refused entry to places of detention to carry out inspections on several occasions. Given that the lack of fundamental legal safeguards in solitary confinement and certain conditions of detention, including the transfer of prisoners, and the failure to conduct impartial investigations into complaints exacerbated the risk of acts of ill-treatment and torture, and amounted to incommunicado detention, she asked what measures the State party was taking to prevent incommunicado and arbitrary detention. She would like further information on the renowned cases of arbitrary detentions of Mr. Khawar and Mr. al-Kuwari.

28. In the light of reports regarding a lack of independence of the National Human Rights Committee, she asked for details on its composition. Further information would be appreciated concerning the restrictions, deriving from the Acts providing for exceptions to the application of the Code of Criminal Procedure, on the National Human Rights Committee's mandate to conduct inspections and have contact with detainees in places of deprivation of liberty. She asked whether reparation or compensation had been made to Mr. Al-Ajami, who had been released from prison in 2016 by Emiri pardon and whose case had

been followed up by the Working Group on Arbitrary Detention, in its Opinion No. 48/2016 concerning Mohammed Rashid Hassan Nasser Al-Ajami (Qatar) (A/HRC/WGAD/2016/48). She would like further information on efforts to address shortcomings in data collection concerning complaints lodged by detainees relating to the conditions of their detention, investigations into those complaints and the outcomes.

29. Turning to the issue of migrant workers, reports cited that the National Human Rights Committee received complaints from migrant workers concerning their employers' lack of respect for their rights, including the failure to regularize their situation or pay their salaries. She was concerned that migrant workers often faced immediate expulsion or detention owing to their irregular status. Would the delegation comment on the reference in the addendum to the 2007 report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23/Add.2) to the humiliating and degrading treatment to which migrants were subjected, as well as physical and verbal abuse by authorities in police stations and detention centres, for no reason other than that of being migrants? Additional information would be appreciated on legislative amendments made to regularize the status of domestic and migrant workers. She would also like clarification regarding the fact that migrant workers who served prison sentences owing to their employers' failure to regularize their situations attended rehabilitation and reinsertion programmes upon release, instead of obtaining reparation and compensation, considering that they had not committed an offence.

30. She requested detailed data on compensation and reparation granted to victims of ill-treatment or torture committed by public officials during custody, including pretrial detention, and to human rights defenders and journalists subjected to harassment and intimidation by state officials. She would like details concerning the settlement of certain cases that had been presented to the National Human Rights Committee and asked, in that regard, whether the reparation and compensation that had been awarded fell within the scope of article 14 of the Convention, which stipulated that victims of torture must obtain redress and have an enforceable right to fair and adequate compensation, or whether other grounds had been evoked for the granting of compensation. She asked to what extent article 232 of the Code of Criminal Procedure, providing that any statement proved to have been obtained as a result of torture could not be relied upon, was respected by judicial officials to ensure that proceedings were not brought on the basis of any such statements.

31. She would like updated information regarding the cases of Ronaldo Lopez Ulep, a Filipino man and former civilian employee of the Qatari Air Force, who had been sentenced to life in prison after being convicted of spying, and his two fellow Filipino co-workers, who had been imprisoned and sentenced to the death penalty on the basis of confessions reportedly obtained by torture. She would also appreciate detailed information regarding the efforts made to identify, prosecute and sanction the perpetrators of violations against human rights defenders and the steps taken to investigate complaints of ill-treatment and violence against detainees in prisons, particularly women and other vulnerable categories of prisoner such as migrant workers.

32. Concerning the juvenile justice system, she expressed concern that children aged 16 and older were treated in the same manner as adults and were subject to harsh sentences such as life imprisonment or flogging. She wished to know what steps would be taken to ensure the full implementation of international juvenile justice standards and to raise the minimum age of criminal responsibility, which currently stood at 7 years.

33. Regarding access to fundamental legal safeguards, she wished to know what efforts had been made to uphold the right to a fair trial and guarantee humane conditions of detention for all categories of person, particularly women and migrant workers. Further information on the steps taken to hold women and men detainees separately would also be welcome. What measures had been adopted to tackle the institutionalized gender discrimination within the administration of justice?

34. **Mr. Tuzmukhamedov** asked whether the State party intended to amend article 159 of the Criminal Code that provided for the death penalty for certain offences and to limit the number of offences punishable by life imprisonment. He also wished to know whether any prisoners sentenced to the death penalty had been executed during the reporting period,

and if so, what methods of execution had been used. Lastly, he asked whether corporal punishment had been explicitly prohibited under civil law, and if so, whether the same applied under sharia law. It would be particularly interesting to know how conflicts between the two systems of law on that subject were resolved.

35. **Mr. Rodríguez-Pinzón** said that he would like to know what efforts had been made to uphold the fundamental legal rights of detained migrant workers and ensure that they had access to legal assistance and consular services.

36. **Ms. Gaer**, welcoming the State party's withdrawal of its reservations to articles 21 and 22 of the Convention, said that she would like to know whether Qatar had recognized the competence of other treaty bodies to receive and consider communications from individuals and other States parties concerning potential international treaty obligations violations. Noting the lack of disaggregated data contained in the report, she requested detailed statistics on the number of complaints of torture and ill-treatment submitted during the reporting period and any related investigations, prosecutions, penal and disciplinary sanctions applied. Further information regarding the number of requests made for redress and compensation, the number granted, the amount of compensation ordered and the amount provided in each case would also be welcome. It would be particularly useful to know whether the Government systematically collected data on violence against women and girls, disaggregated by age and the relationship between the victim and the perpetrator. How many women and child victims of violence had been offered support and rehabilitation by the Protection and Social Rehabilitation Centre? She would also appreciate data, disaggregated by the age and ethnicity of victims, on the number of complaints, investigations, prosecutions, convictions and sentences handed down in cases of gender-based violence and human trafficking since the consideration of the second periodic report of Qatar in 2012, including data on the cases registered and monitored by the Qatar Foundation for the Protection of Women and Children. Lastly, she wished to know how many of the workers' complaints contained in paragraph 214 of the report related to torture or ill-treatment and what specific measures had been adopted to monitor the employment conditions of migrant workers in the State party.

37. **Ms. Racu** said that she would appreciate further information regarding efforts to improve the detention conditions at the Deportation Detention Centre near Doha, particularly in relation to reducing overcrowding.

38. **The Chair** asked what measures had been adopted to ensure that detainees had the right to be examined by an independent doctor trained in identifying and documenting signs of torture or ill-treatment upon their request, and what mechanisms had been made available for doctors to report injuries of that kind. How many cases of torture or ill-treatment had been investigated and brought before the courts following the submission of supporting medical evidence?

39. **Mr. Hani**, noting that article 92 of the Criminal Code granted courts the discretion to commute sentences, asked what steps had been taken to establish minimum sentences under article 159 bis of the Criminal Code and ensure that persons acting in an official capacity who used torture or instigated, agreed or consented to torture another person were prosecuted and punished accordingly. He also wished to know what efforts had been made to implement the recommendations of the former Special Rapporteur on the independence of judges and lawyers, Ms. Gabriela Knaul, notably by extending State legal aid to migrant workers and making the Supreme Constitutional Court established in 2008 operational. It would be particularly interesting to know what measures had been adopted to guarantee the independence of the Office of the Public Prosecutor.

40. In the light of the recent steps to strengthen the system of rehabilitation for particularly vulnerable victims of ill-treatment, he wondered whether the State party intended to make additional contributions to the United Nations Voluntary Fund for Victims of Torture. Lastly, he wished to know what action had been taken to monitor the living conditions in all places used for deprivation of liberty regularly, particularly psychiatric facilities.

41. **Ms. Belmir** asked what steps had been taken to introduce a code of ethics for judges and guarantee the independence of non-Qatari judges. She would also appreciate further clarification of the 2003 Act on Judicial Authority, which provided for the dismissal of judges by resolution of the Emir for reasons in the public interest.

The meeting rose at 1 p.m.